

DRAFT RULE for

011.PRIVATE MEMBERSHIP, CLUBS, OUTFITTING ON PRIVATE LAND, AND OUTFITTED TURKEY AND WATERFOWL HUNTING.

~~An outfitter license shall not be issued to any individual, group, corporation, or club which limits its services to a membership or does not offer services to the general public. A group, corporation, or club formed in a manner so as to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code). (3-1-86)~~

01. Private Membership Groups, Organizations, Clubs

a. A group, corporation, or club formed in a manner so as to solicit participation from the general public, and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and must comply with rules provided herein.

b. An outfitter license shall not be issued to any individual, group, corporation, or club who limits its services to a membership or does not offer services to the general public.

02. Outfitting on Private Land

a. Private landowners, who only charge fees for access to their land or waters, shall not be required to be licensed as an outfitter.

b. Private landowners ("Landowner") who advertise outfitted or guided services or solicit participation from the general public for such services, or who provide outfitted facilities or services for compensation shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code).

i. Private landowners may be licensed for outfitting on their own land or waters.

ii. Private landowners licensed as outfitters may designate agents (including existing outfitters) who shall be employees to provide facilities and services.

iii. Private landowners may lease lands or waters they own to an outfitter for outfitting purposes.

iv. Licensed outfitters must maintain on file with the Board, a copy of each landowner lease prior to use of the leased area and during the time the leased area is licensed to them as an operating area

v. Outfitters licensed for the use of private land or water must notify the Board in writing immediately upon the termination of a lease or changes to the terms of use of any leased private land licensed as an operating area. Changes must be made through the amendment process.

03. Outfitted Turkey and Waterfowl Hunting.

a. Non Outfitted areas (NOAs) shall be identified by a clear area description, and shall be determined and maintained by the Board with input from the Idaho Department of Fish and Game. Factors in the determination of these areas shall include biological factors such as the location of wildlife or their proximity to riparian areas and resource management concerns such as hunting pressure or changes in public access or the impact of shooting over public waterways. The following list of areas have been identified by the Board where outfitted/guided Waterfowl Hunting would not be provided based upon documented biological, or sociological based resource management issues as set forth in the rules:

b. Non Outfitted Areas (NOAs) for Waterfowl Hunting:

AREA	DESCRIPTION
Snake River	The river and adjoining riparian areas within the 100 year flood plain in Washington/Idaho Stateline up river to Idaho/Oregon/ Washington State Line
Snake River	The river, associated reservoirs and adjoining riparian areas within the 100 year flood plain from the Railroad Bridge near Steck Park Sportsman Access in Washington County up river to head waters near Wyoming border including the Henrys Fork and South Fork.
Snake River	Public and private lands between Snake River from Lewiston along running south along Tammany Creek Road, Willow Road, Rosenkrantz Road and Miller Road to junction with Red Bird and Craig Mtn. WMA in Nez Perce County.

Snake River	Public and private lands between Snake River and Johnson Creek Road, and Olds Ferry Road to Steck Park Sportsman Access from Weiser in Washington County.
Snake River	Public and private lands between Snake River and Highway 95 from Weiser in Washington County to Marsing in Owyhee County.
Snake River	Public and private lands between Snake River and Highway 78 from Marsing in Owyhee County to the Hammett Junction #121 on Interstate 84.
Canyon County and Ada County	Entire County
Boise River	The river and adjoining riparian areas within the 100 year flood plain from Arrow Rock Dam in Boise County down river to confluence with Snake River near Parma in Canyon County.
Snake River	Public and private lands between Snake River and Interstate 84 from Ada County's eastern border line to Highway 33 Junction #339 near Roberts.
Jefferson County	Public and private lands and waters in Jefferson County North of Highway 28.
Teton River	The river and adjoining riparian areas within the 100 year flood plain upstream from Highway 33.
Payette River	The river and adjoining riparian areas within the 100 year flood plain from Black Canyon Dam in Boise County down river to confluence with Snake River near Payette in Payette County.
Payette River	Public and private lands in Payette County between Highways 30 and 52.
Payette River	Public and private lands in Payette and Gem County South of the Payette River to Highway 52.
Cascade Reservoir	Cascade Reservoir in Valley County - High water line of reservoir
Snake River	Public and private lands between Snake River and Highway 30 from Bliss in Gooding County to Burley in Cassia County.
Weiser River	The river and adjoining riparian areas within the 100 year flood plain downstream from confluence with Mann Creek
Snake River	In Elmore County south of the 43 latitude including the Glenn's Ferry and King Hill areas.
Bear Lake	High water line of lake
Kootenai River	The river and adjoining riparian areas within the 100 year flood plain
Coeur d' Alene River	The river and adjoining riparian areas within the 100 year flood plain downstream from Cataldo
St. Joe River	The river and adjoining riparian areas within the 100 year flood plain downstream from St. Maries
Pend Oreille River	The river, associated reservoirs and adjoining riparian areas within the 100 year flood plain
Clark Fork	The river and adjoining riparian areas within the 100 year flood plain
Lake Pend Oreille	High water line of lake
Lake Coeur d' Alene	High water line of lake
Clearwater River	Existing within Lewiston Preserve is closed by IDFG to hunting
See below	Other areas to be determined by the Board in cooperation with IDFG

c. Non Outfitted Areas (Turkey)

AREA	DESCRIPTION
See below	Areas are to be determined by the Board in cooperation with IDFG

The Board is soliciting input from the Idaho Department of Fish and Game (IDFG) and the public on the areas to be identified in sections 03. b. & c. that they believe should be non-outfitted. This list above has been expanded and clarified in response to public input provided at hearings on 12/4 and 12/5 and is being provided as example. Intentions are for these lists to be further developed, refined and reviewed by both the Board and IDFG.

04. Limited Outfitted Areas (LOAs) for Outfitted Turkey and Waterfowl Hunting.

a. Any area not specified in section 3 shall be available for limited outfitting and guiding as follows:

i. The total number of outfitters in an LO A shall be limited by the Board with input from the Idaho Department of Fish and Game.

b. Outfitting for waterfowl hunting in an LOA shall be subject to the following conditions:

i. Total outfitted client days of all licensed waterfowl outfitters shall be limited to three percent (3%) of the five year moving average of the larger of the estimated number of goose or duck hunter days in each region, provided to the Board by the Idaho Department of Fish and Game. No single outfitter may receive more than ten percent (10%) of the total (3%) outfitter hunter days available in a region.

ii. A minimum of one hundred (100) acres of contiguous land is required to license outfitters to hunt waterfowl.

c. Outfitting for Turkey Hunting in an LOA shall be subject to the following conditions:

i. The client-day total of all licensed outfitters is limited to three percent (3%) of the licensed turkey hunters in the region over a five year moving average, using data provided by the Idaho Department of Fish and Game. No single outfitter may receive more than twenty five percent (25%) of the (3%) client-day total available in a region.

ii. A minimum of one hundred sixty (160) acres of contiguous land is required to license outfitters to hunt turkey

d. In LOAs, any individual who has an arrangement to access and hunt on private land may access public lands or waters to hunt where public hunting is legal. They must do so without assistance from or services provided by the outfitter, or their employees such as guides.

e. Appropriate buffer distances shall be established between outfitters by the Board with input from the Idaho Department of Fish and Game.

f. Appropriate shooting/buffer distances shall be established for outfitters licensed on or near public waterways or other public resources by the Board with input from the Idaho Department of Fish and Game.

g. On a case by case basis, the Board may set other limits or restrictions, provided a factual basis is established based upon documented biological, or sociological based resource management issues that can be substantiated in the Board's decision.

h. Use shall be measured annually by the Board by individual client serviced and the accumulative total client days provided and by client harvest.

i. The NOAs and LOAs will be reviewed every five years as needed by the Board cooperatively with input from the Idaho Department of Fish and Game. Existing licensed outfitters affected by possible changes shall be subject to an operational adjustment hearing as set forth in the rules.

j. Outfitters licensed to hunt waterfowl or turkey in the NOA or LOAs identified prior to the effective date of these rules will be grandfathered. Should an existing outfitter business be sold or ownership transferred, the succeeding outfitter will be subject to the term of the rules.

05. Public Lands and Waters for Outfitted Turkey and Waterfowl Hunting - Outfitting turkeys or waterfowl hunting on "public" lands or waters will not be initiated by the Board.

a. IC – 36-2107 requires the Board to cooperate with state and federal agencies, and the Board has a Memorandum of Understanding (MOU) in place with Bureau of Land Management and the United States Forest Service that provides for cooperation in all matters related to state outfitter licensing and federal outfitter permitting processes. Therefore, the Board will only consider licensing outfitters on federally managed lands or waters once the appropriate federal agency, using standard processes required of them and as defined in the MOU maintained with the Board, determines that outfitted turkey and waterfowl hunting is appropriate and acceptable use within that agency's jurisdiction. Additionally, the Board will only consider licensing outfitters on state managed lands once the appropriate state agency makes similar determinations.